

House Engrossed

State of Arizona  
House of Representatives  
Forty-fifth Legislature  
Second Regular Session  
2002

CHAPTER 38

# HOUSE BILL 2107

AN ACT

AMENDING SECTION 3-916, ARIZONA REVISED STATUTES; RELATING TO ARIZONA NATIVE PLANTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 3-916, Arizona Revised Statutes, is amended to  
3 read:

4 3-916. Salvage of native plants by homeowners' association or  
5 other nonprofit organization; definition

6 A. A homeowners' association or any other community based nonprofit  
7 organization may collect and salvage native plants under this section ~~in an~~  
8 ~~incorporated city or town~~ without obtaining a permit, tag, seal or receipt  
9 or paying a fee otherwise required by this chapter. Native plants may be  
10 obtained under this section only for noncommercial salvage and only if their  
11 existence is threatened by intended destruction, by their location or by a  
12 change in land use.

13 B. Before collecting any plant under this section, the homeowners'  
14 association or nonprofit organization shall submit to the department:

15 1. A letter of permission from the owner of the property on which the  
16 native plants are currently growing authorizing the homeowners' association  
17 or nonprofit organization to enter the property and remove the plants.

18 2. A copy of a resolution adopted by the governing body of the COUNTY,  
19 city or town authorizing the homeowners' association or nonprofit  
20 organization to collect and salvage native plants pursuant to this section  
21 IN THE UNINCORPORATED AREA OF THE COUNTY OR in the city or town, AS  
22 APPLICABLE.

23 3. A written statement from the homeowners' association or nonprofit  
24 organization including:

25 (a) The name of the association or organization.

26 (b) The name, address and telephone number of a contact person  
27 representing the association or organization.

28 (c) The name, address and telephone number of the owner of the  
29 property on which the native plants are currently growing.

30 (d) The physical location of the property on which the plants are  
31 growing.

32 (e) A signed statement that:

33 (i) The plants will be transplanted in a common area owned, MANAGED  
34 OR LEASED by the homeowners' association or on public property.

35 (ii) The plants will not be sold, exchanged or otherwise disposed of  
36 except as provided by this section.

37 C. A person who possesses a permit, ~~tags~~ TAG or ~~seals~~ SEAL issued  
38 under this chapter for collection or salvage of native plants has priority  
39 over the homeowners' association or nonprofit organization in obtaining any  
40 native plant.

41 D. The department shall issue a notice to the homeowners' association  
42 or nonprofit organization of any violation of the terms and conditions  
43 prescribed by this section or of any statement submitted to the department  
44 under subsection B. In the case of ~~a second~~ or ANY subsequent violation, the  
45 department shall issue ~~a further~~ ANOTHER notice prohibiting further

1 collection or salvage of plants. The department shall transmit a copy of  
2 each notice to the governing body of the COUNTY, city or town.

3 E. For purposes of this section "homeowners' association" means a  
4 nonprofit corporation or association that is organized in this state and that  
5 meets both of the following requirements:

6 1. It is established to own, lease or manage common, limited access  
7 lots, parcels, areas, grounds or streets of a real estate development in this  
8 state.

9 2. It has the power under its organizing documents to assess and  
10 compel association members to pay the expenses incurred in performing the  
11 association's obligations.

APPROVED BY THE GOVERNOR APRIL 17, 2002.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 18, 2002.

Passed the House February 12, 20 02,

by the following vote: 59 Ayes,

0 Nays, 1 Not Voting

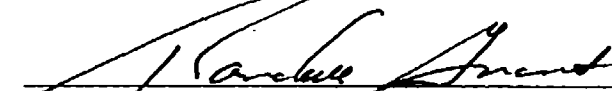
  
Speaker of the House


  
Chief Clerk of the House

Passed the Senate April 10, 20 02,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

  
President of the Senate

  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

11 day of April, 20 02

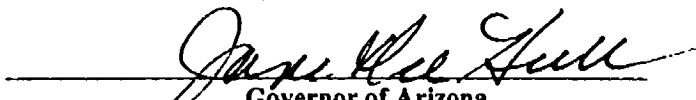
at 2:50 o'clock P M.

  
Secretary to the Governor

Approved this 17 day of

April, 20 02,

at 4:20 o'clock P M.

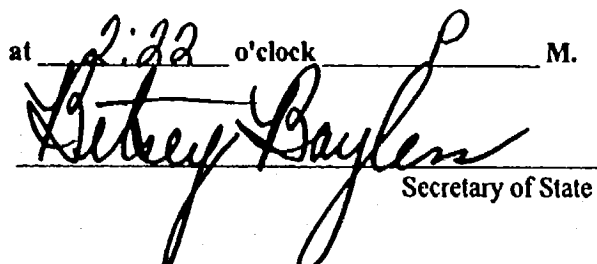
  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 18<sup>th</sup> day of April, 20 02,

at 2:22 o'clock P M.

  
Secretary of State

H.B. 2107